

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO:

Wave 6 Cases

Civil Action No. 2:12-cv-02327

ORDER

On September 22, 2017, the parties filed a Joint Motion to Take Deposition of Dr. Zipper After Discovery is Closed, and subsequently filed an Amended Joint Motion to Take Deposition of Dr. Zipper After Discovery is Closed. [ECF Nos. 4693 & 4695]. The parties filed their Second Amended Joint Motion to Take Deposition of Dr. Zipper After Discovery is Closed on September 29, 2017. [ECF No. 4753].

The parties wish to depose Dr. Ralph Zipper on October 27, 2017, four weeks after the close of discovery for Wave 6 cases, due to scheduling difficulties involving Dr. Zipper, who lives and practices in Florida and has been recently impacted by Hurricane Irma. *See* Second Am. Joint Mot. 1 [ECF No. 4753].

For reasons appearing to the court, the Joint Motion to Take Deposition of Dr. Zipper After Discovery is Closed [ECF No. 4693] and Amended Joint Motion to Take Deposition of Dr. Zipper After Discovery is Closed [ECF No. 4695] are **DENIED AS MOOT**. The parties' Second Amended Joint Motion to Take Deposition of Dr. Zipper After Discovery is Closed [ECF No. 4753] is **GRANTED**. It is **ORDERED** that the deposition of Dr. Zipper occur on or before October 27, 2017, and the new deadline for

any *Daubert* motion, Response, or Reply with respect to Dr. Zipper only, are as follows:

Filing of <i>Daubert</i> Motions	November 24, 2017
Response to <i>Daubert</i> Motions	December 8, 2017
Reply to Response to <i>Daubert</i> Motions	December 15, 2017

All other deadlines in the Docket Control Order for Wave 6. PTO # 251 [ECF No. 3748] remain in effect.

The Clerk is **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 13, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE